

## Surface Transportation Board, DOT

Pt. 1139

Date \_\_\_\_\_ Concurred<sup>2</sup> in: \_\_\_\_\_ Company  
\_\_\_\_\_ Company, Defendant Collecting Car-  
rier, Defendant<sup>3</sup>. \_\_\_\_\_  
By \_\_\_\_\_, Auditor. By \_\_\_\_\_, Auditor.

(b) The statement should not include any shipment not covered by the Board's findings, or any shipment on which complaint was not filed with the Board within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route, a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges, for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and corrected agreed statements submitted to the Board. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case, its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so prepared and certified shall be filed with the Board whereupon it will consider entry of a decision awarding damages.

[47 FR 49575, Nov. 1, 1982, as amended at 64 FR 53268, Oct. 1, 1999]

<sup>2</sup>For concurring certificate in case collecting carrier is not a defendant.

<sup>3</sup>If not a defendant, strike out the word "defendant."

## PART 1135—RAILROAD COST RECOVERY PROCEDURES

AUTHORITY: 5 U.S.C. 553 and 49 U.S.C. 721 and 10708.

### § 1135.1 Quarterly adjustment.

To enable the Board to publish the rail cost adjustment factor (RCAF) as required by 49 U.S.C. 10708, the Association of American Railroads (AAR) shall calculate and file with the Board by the fifth day of December, March, June and September of each year its forecast for the next calendar quarter of the all-inclusive index of railroad costs and calculate and file the RCAF unadjusted for changes in railroad productivity as prescribed in *Railroad Cost Recovery Procedures*, 1 I.C.C.2d 207 (1984), and any subsequent amendments thereto. In addition, the AAR shall calculate the productivity-adjusted RCAF as prescribed in *Railroad Cost Recovery Procedures*, 5 I.C.C.2d 434 (1989), and any subsequent amendments thereto. The AAR shall submit workpapers detailing its calculations. The Board will review and verify the AAR submissions and make its RCAF publication by the twentieth day of December, March, June and September of each year.

[67 FR 55166, Aug. 28, 2002]

## PART 1139—PROCEDURES IN MOTOR CARRIER REVENUE PROCEEDINGS

### Subpart A—Common Carriers of General Commodities

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- 1139.1 Application.
- 1139.2 Traffic study.
- 1139.3 Cost study.
- 1139.4 Revenue need.
- 1139.5 Affiliate data.
- 1139.6 Official notice.
- 1139.7 Service.
- 1139.8 Availability of underlying data.

APPENDIX I TO SUBPART A—REVENUE NEED AND ALLOCATION TO TRAFFIC AT ISSUE

APPENDIX II TO SUBPART A—FINANCIAL RATIOS (TRAFFIC AND COST STUDY CARRIER

### Subpart B—Intercity Bus Industry

- 1139.20 Application.
- 1139.21 Study carriers.
- 1139.22 Revenue data for study carriers.